



special
collections



DOUGLAS
LIBRARY

QUEEN'S UNIVERSITY
AT KINGSTON

KINGSTON ONTARIO CANADA

S P E E C H

O F

Slipper

EDMUND BURKE, Esq.

O N

AMERICAN TAXATION,

A P R I L 19, 1774.

THE FOURTH EDITION.



L O N D O N:

Printed for J. DODSLEY, in PALL-MALL.

M D C C L X X V .

[Price Two Shillings.]

AC 911. 1775. 687

P R E F A C E.

THE following Speech has been much the subject of conversation; and the desire of having it printed was last summer very general. The means of gratifying the public curiosity were obligingly furnished from the notes of some Gentlemen, Members of the last Parliament.

This piece has been for some months ready for the press. But a delicacy, possibly over scrupulous, has delayed the publication to this time. The friends of administration have been used to attribute a great deal of the opposition to their measures in America to the writings published in England. The Editor of this Speech kept it back, until all the measures of government have had their full operation, and can be no longer affected, if ever they could have been affected, by any publication.

Most Readers will recollect the uncommon pains taken at the beginning of the last session of the last Parliament, and indeed during the whole course of it, to asperse the characters, and decry the measures, of those who were supposed to be friends to America ; in order to weaken the effect of their opposition to the acts of rigour then preparing against the Colonies. This Speech contains a full refutation of the charges against that party with which Mr. Burke has all along acted. In doing this, he has taken a review of the effects of all the schemes which have been successively adopted in the government of the Plantations. The subject is interesting ; the matters of information various, and important ; and the publication at this time, the Editor hopes, will not be thought unseasonable.

S P E E C H

O F

EDMUND BURKE, Esq.

DURING the last Session of the last Parliament, on the 19th of April, 1774, Mr. Rose Fuller, Member for Rye, made the following Motion; That an Act made in the seventh Year of the reign of his present Majesty, intituled, " An Act for granting certain Duties in the British Colonies and Plantations in America; for allowing a Drawback of the Duties of Customs upon the Exportation from this Kingdom of Coffee and Cocoa Nuts, of the Produce of the said Colonies or Plantations; for discontinuing the Drawbacks payable on China Earthen Ware exported to America; and for more effectually preventing the clandestine Running of Goods in the said Colonies and Plantations;" might be read.

A 3

And

And the same being read accordingly ; He moved, " That this House will, upon this day *sevennight*, resolve itself into a Committee of the whole House, to take into consideration the duty of *3 d. per* pound weight upon tea, payable in all his Majesty's Dominions in America, imposed by the said A&t ; and also the appropriation of the said duty."

On this latter motion a warm and interesting debate arose, in which Mr. Edmund Burke spoke as follows :

S I R,

I^d Agree with the Honourable Gentleman * who spoke last, that this subject is not new in this House. Very disagreeably to this House, very unfortunately to this Nation, and to the peace and prosperity of this whole Empire, no topic has been more familiar to us. For nine long years, session after session, we have been lashed round and round this miserable circle of occasional arguments and temporary expedients. I am sure our heads must turn, and our stomachs nauseate with them. We have had them in every shape ; we have looked at them in every point of view. Invention is exhausted ; reason is fatigued ; experience has given

* Charles Wolfran Cornwall, Esq; lately appointed one of the Lords of the Treasury.

judgement ;

judgement; but obstinacy is not yet conquered.

The Hon. Gentleman has made one endeavour more to diversify the form of this disgusting argument. He has thrown out a speech composed almost entirely of challenges. Challenges are serious things; and as he is a man of prudence as well as resolution, I dare say he has very well weighed those challenges before he delivered them. I had long the happiness to sit at the same side of the House, and to agree with the Hon. Gentleman on all the American questions. My sentiments, I am sure, are well known to him; and I thought I had been perfectly acquainted with his. Though I find myself mistaken, he will still permit me to use the privilege of an old friendship; he will permit me to apply myself to the House under the sanction of his authority; and, on the various grounds he has measured out, to submit to you the poor opinions which I have formed, upon a matter of importance enough to demand the fullest consideration I could bestow upon it.

He has stated to the House two grounds of deliberation; one narrow and simple, and merely confined to the question on your paper: the other more large and more complicated; comprehending the whole series of the parliamentary proceedings with regard to America, their causes, and their consequences. With regard

to the latter ground, he states it as useleſs, and thinks it may be even dangerous, to enter into so extensive a field of enquiry. Yet, to my surprize, he had hardly laid down this restrictive proposition, to which his authority would have given so much weight, when directly, and with the same authority, he condemns it; and declares it absolutely necessary to enter into the most ample historical detail. His zeal has thrown him a little out of his usual accuracy. In this perplexity what shall we do, Sir, who are willing to submit to the law he gives us? He has reprobated in one part of his speech the rule he had laid down for debate in the other; and, after narrowing the ground for all those who are to speak after him, he takes an excursion himself, as unbounded as the ſubject and the extent of his great abilities.

Sir, When I cannot obey all his laws, I will do the best I can. I will endeavour to obey ſuch of them as have the fanction of his example; and to ſtick to that rule, which, though not consistent with the other, is the moſt rational. He was certainly in the right when he took the matter largely. I cannot prevail on myself to agree with him in his censure of his own conduct. It is not, he will give me leave to ſay, either useleſs or dangerous. He afferts, that retrospect is not wiſe; and the proper, the only proper, ſubject
of

of enquiry is, “ not how we got into this difficulty, but how we are to get out of it.” In other words, we are, according to him, to consult our invention, and to reject our experience. The mode of deliberation he recommends is diametrically opposite to every rule of reason, and every principle of good sense established amongst mankind. For, that sense and that reason, I have always understood, absolutely to prescribe, whenever we are involved in difficulties from the measures we have pursued, that we should take a strict review of those measures, in order to correct our errors if they should be corrigible; or at least to avoid a dull uniformity in mischief, and the unpitied calamity of being repeatedly caught in the same snare.

Sir, I will freely follow the Hon. Gentleman in his historical discussion, without the least management for men or measures, further than as they shall seem to me to deserve it. But before I go into that large consideration, because I would omit nothing that can give the House satisfaction, I wish to tread the narrow ground to which alone the Hon. Gentleman, in one part of his speech, has so strictly confined us.

He desires to know, whether, if we were to repeal this tax, agreeably to the proposition of the Hon. Gentleman who made the motion,
the

the Americans would not take post on this concession, in order to make a new attack on the next body of taxes; and whether they would not call for a repeal of the duty on wine as loudly as they do now for the repeal of the duty on tea? Sir, I can give no security on this subject. But I will do all that I can, and all that can be fairly demanded. To the *experience* which the Hon. Gentleman reprobates in one instant, and reverts to in the next; to that experience, without the least wavering or hesitation on my part, I steadily appeal; and would to God there was no other arbiter to decide on the vote with which the House is to conclude this day!

When Parliament repealed the Stamp Act in the year 1766, I affirm, first, that the Americans did *not* in consequence of this measure call upon you to give up the former parliamentary revenue which subsisted in that Country; or even any one of the articles which compose it. I affirm also, that when, departing from the maxims of that repeal, you revived the scheme of taxation, and thereby filled the minds of the Colonists with new jealousy, and all sorts of apprehensions, then it was that they quarreled with the old taxes, as well as the new; then it was, and not till then, that they questioned all the parts of your legislative power; and by the battery of such questions have

have shaken the solid structure of this Empire to its deepest foundations.

Of those two propositions I shall, before I have done, give such convincing, such damning proof, that however the contrary may be whispered in circles, or bawled in news-papers, they never more will dare to raise their voices in this House. I speak with great confidence. I have reason for it. The Ministers are with me. *They* at least are convinced that the repeal of the Stamp Act had not, and that no repeal can have, the consequences which the Hon. Gentleman who defends their measures is so much alarmed at. To their conduct, I refer him for a conclusive answer to his objection. I carry my proof irresistibly into the very body of both Ministry and Parliament; not on any general reasoning growing out of collateral matter, but on the conduct of the Hon. Gentleman's ministerial friends on the new revenue itself.

The Act of 1767, which grants this tea duty, sets forth in its preamble, that it was expedient to raise a revenue in America, for the support of the civil government there, as well as for purposes still more extensive. To this support the Act assigns six branches of duties. About two years after this Act passed, the Ministry, I mean the present Ministry, thought it expedient to repeal five of the duties,

ties, and to leave (for reasons best known to themselves) only the sixth standing. Suppose any person, at the time of that repeal, had thus addressed the Minister *, “ Condemning, “ as you do, the repeal of the Stamp Act, “ Why do you venture to repeal the duties “ upon glass, paper, and painters colours? Let “ your pretence for the repeal be what it will, “ are you not thoroughly convinced, that your “ concessions will produce, not satisfaction, but “ insolence in the Americans; and that the “ giving up these taxes will necessitate the “ giving up of all the rest?” This objection was as palpable then as it is now; and it was as good for preserving the five duties as for retaining the sixth. Besides, the Minister will recollect, that the repeal of the Stamp Act had but just preceded his repeal; and the ill policy of that measure (had it been so impolitic as it has been represented), and the mischiefs it produced, were quite recent. Upon the principles therefore of the Hon. Gentleman, upon the principles of the Minister himself, the Minister has nothing at all to answer. He stands condemned by himself, and by all his associates old and new, as a destroyer, in the first trust of finance, of the revenues; and in the first rank of honour, as a betrayer of the dignity of his Country.

* Lord North, then Chancellor of the Exchequer.

Most men, especially great men, do not always know their well-wishers. I come to rescue that Noble Lord out of the hands of those he calls his friends; and even out of his own. I will do him the justice, he is denied at home. He has not been this wicked or imprudent man. He knew that a repeal had no tendency to produce the mischiefs which give so much alarm to his Honourable friend. His work was not bad in its principle, but imperfect in its execution; and the motion on your paper presses him only to compleat a proper plan, which, by some unfortunate and unaccountable error, he had left unfinished.

I hope, Sir, the Hon. Gentleman who spoke last, is thoroughly satisfied, and satisfied out of the proceedings of Ministry on their own favourite Act, that his fears from a repeal are groundless. If he is not, I leave him, and the Noble Lord who sits by him, to settle the matter, as well as they can, together; for if the repeal of American taxes destroys all our government in America—He is the man!—and he is the worst of all the repealers, because he is the last,

But I hear it rung continually in my ears, now and formerly, — “ the Preamble! what will become of the Preamble, if you repeal this Tax?” — I am sorry to be compelled so often

often to expose the calamities and disgraces of Parliament. The preamble of this law, standing as it now stands, has the lie direct given to it by the provisional part of the Act; if that can be called provisional which makes no provision. I should be afraid to express myself in this manner, especially in the face of such a formidable array of ability as is now drawn up before me, composed of the antient household troops of that side of the House, and the new recruits from this, if the matter were not clear and indisputable. Nothing but truth could give me this firmness; but plain truth and clear evidence can be beat down by no ability. The Clerk will be so good as to turn to the Act, and to read this favourite preamble:

Whereas it is expedient that a revenue should be raised in your Majesty's Dominions in America, for making a more certain and adequate provision for defraying the charge of the administration of justice, and support of civil government, in such Provinces where it shall be found necessary; and towards further defraying the expences of defending, protecting, and securing the said Dominions.

You have heard this pompous performance. Now where is the revenue which is to do all these mighty things? Five sixths repealed—abandoned—sunk—gone—lost for ever. Does the poor solitary tea duty support the purposes

of this preamble? Is not the supply there stated as effectually abandoned as if the tea duty had perished in the general wreck? Here, Mr. Speaker, is a precious mockery—a preamble without an act—taxes granted in order to be repealed—and the reasons of the grant still carefully kept up! This is raising a revenue in America! This is preserving dignity in England! If you repeal this tax in compliance with the motion, I readily admit that you lose this fair preamble. Estimate your loss in it. The object of the act is gone already; and all you suffer is the purging the Statute-book of the opprobrium of an empty, absurd, and false recital.

It has been said again and again, that the five Taxes were repealed on commercial principles. It is so said in the paper in my hand*; a paper which I constantly carry about; which I have often used, and shall often use again. What is got by this paltry pretence of commercial principles I know not; for, if your government in America is destroyed by the *repeal of Taxes*, it is of no consequence upon what ideas the repeal is grounded. Repeal this Tax too upon commercial principles if you please. These principles will serve as well now as they did formerly. But you know

* Lord Hillsborough's Circular Letter to the Governors of the Colonies concerning the Repeal of some of the Duties laid in the Act of 1767.

that,

that, either your objection to a repeal from these supposed consequences has no validity, or that this pretence never could remove it. This commercial motive never was believed by any man, either in America, which this Letter is meant to soothe, or in England, which it is meant to deceive. It was impossible it should. Because every man, in the least acquainted with the detail of Commerce, must know, that several of the articles on which the Tax was repealed were fitter objects of Duties than almost any other articles that could possibly be chosen; without comparison more so, than the Tea that was left taxed; as infinitely less liable to be eluded by contraband. The Tax upon Red and White Lead was of this nature. You have, in this kingdom, an advantage in Lead, that amounts to a monopoly. When you find yourself in this situation of advantage, you sometimes venture to tax even your own export. You did so, soon after the last war; when, upon this principle, you ventured to impose a duty on Coals. In all the articles of American contraband trade, who ever heard of the smuggling of Red Lead, and White Lead? You might, therefore, well enough, without danger of contraband, and without injury to Commerce (if this were the whole consideration) have taxed these commodities. The same may be said of Glaſs. Besides, some of the things taxed were so trivial, that the lots of the objects themselves and their utter annihilation

hilation out of American Commerce, would have been comparatively as nothing. But is the article of Tea such an object in the Trade of England, as not to be felt, or felt but slightly, like White Lead, and Red Lead, and Painters Colours? Tea is an object of far other importance. Tea is perhaps the most important object, taking it with its necessary connections, of any in the mighty circle of our Commerce. If commercial principles had been the true motives to the Repeal, or had they been at all attended to, Tea would have been the last article we should have left taxed for a subject of controversy.

Sir, it is not a pleasant consideration; but nothing in the world can read so awful and so instructive a lesson, as the conduct of Ministry in this business, upon the mischief of not having large and liberal ideas in the management of great affairs. Never have the servants of the state looked at the whole of your complicated interests in one connected view. They have taken things, by bits and scraps, some at one time and one pretence, and some at another, just as they pleased, without any sort of regard to their relations or dependencies. They never had any kind of system, right or wrong; but only invented occasionally some miserable tale for the day, in order meanly to sneak out of difficulties, into which they had proudly strutted. And they were put to all these

shifts and devices, full of meanness and full of mischief, in order to pilfer piecemeal a repeal of an act, which they had not the generous courage, when they found and felt their error, honourably and fairly to disclaim. By such management, by the irresistible operation of feeble councils, so paltry a sum as three-pence in the eyes of a financier, so insignificant an article as tea in the eyes of a philosopher, have shaken the pillars of a Commercial Empire that circled the whole globe.

Do you forget that, in the very last year, you stood on the precipice of general bankruptcy? Your danger was indeed great. You were distressed in the affairs of the East India Company; and you well know what sort of things are involved in the comprehensive energy of that significant appellation. I am not called upon to enlarge to you on that danger, which you thought proper yourselves to aggravate, and to display to the world with all the parade of indiscreet declamation. The monopoly of the most lucrative trades, and the possession of imperial revenues, had brought you to the verge of beggary and ruin. Such was your representation—such, in some measure, was your case. The vent of Ten Millions of pounds of this commodity, now locked up by the operation of an injudicious Tax, and rotting in the warehouses of the Company, would have prevented all this distress, and all that

series

series of desperate measures which you thought yourselves obliged to take in consequence of it. America would have furnished that vent, which no other part of the world can furnish but America; where Tea is next to a necessary of life; and where the demand grows upon the supply. I hope our dear-bought East India Committees have done us at least so much good, as to let us know, that without a more extensive sale of that article our East India revenues and acquisitions can have no certain connection with this country. It is through the American trade of Tea that your East India conquests are to be prevented from crushing you with their burthen. They are ponderous indeed; and they must have that great country to lean upon, or they tumble upon your head. It is the same folly that has lost you at once the benefit of the West and of the East. This folly has thrown open folding-doors to contraband; and will be the means of giving the profits of the trade of your Colonies, to every nation but yourselves. Never did a people suffer so much for the empty words of a preamble. It must be given up. For on what principle does it stand? This famous revenue stands, at this hour, on all the debate, as a description of revenue not as yet known in all the comprehensive (but too comprehensive!) vocabulary of finance—a *preambulary tax*. It is indeed a tax of sophistry, a tax of pedantry, a tax of disputation, a tax of war

and rebellion, a tax for any thing but benefit to the imposers, or satisfaction to the subject.

Well ! but whatever it is, gentlemen will force the Colonists to take the Teas. You will force them ? has seven years struggle been yet able to force them ? O but it seems “ we “ are in the right.—The tax is trifling—in “ effect it is rather an exoneration than an im- “ position; three-fourths of the duty formerly “ payable on teas exported to America is “ taken off; the place of collection is only “ shifted; instead of the retention of a shilling “ from the draw-back here, it is three-pence “ custom paid in America.” All this, Sir, is very true. But this is the very folly and mis- chief of the act. Incredible as it may seem, you know that you have deliberately thrown away a large duty which you held secure and quiet in your hands, for the vain hope of get- ting one three-fourths less, through every ha- zard, through certain litigation, and possibly through war.

The manner of proceeding in the duties on paper and glass imposed by the same act, was exactly in the same spirit. There are heavy excises on those articles when used in England. On export, these excises are drawn back. But instead of withholding the draw-back, which might have been done, with ease, without charge, without possibility of smuggling; and instead

instead of applying the money (money already in your hands) according to your pleasure, you began your operations in finance by flinging away your revenue; you allowed the whole draw-back on export, and then you charged the duty, (which you had before discharged,) payable in the Colonies; where it was certain the collection would devour it to the bone; if any revenue were ever suffered to be collected at all. One spirit pervades and animates the whole mass.

Could any thing be a subject of more just alarm to America, than to see you go out of the plain high road of finance, and give up your most certain revenues and your clearest interest, merely for the sake of insulting your Colonies? No man ever doubted that the commodity of Tea could bear an imposition of three-pence. But no commodity will bear three-pence, or will bear a penny, when the general feelings of men are irritated, and two millions of people are resolved not to pay. The feelings of the Colonies were formerly the feelings of Great Britain. Theirs were formerly the feelings of Mr. Hampden when called upon for the payment of twenty shillings. Would twenty shillings have ruined Mr. Hampden's fortune? No! but the payment of half twenty shillings, on the principle it was demanded, would have made him a slave. It is the weight of that preamble, of which you

are so fond, and not the weight of the duty, that the Americans are unable and unwilling to bear.

It is then, Sir, upon the *principle* of this measure, and nothing else, that we are at issue. It is a principle of political expediency. Your act of 1767 asserts, that it is expedient to raise a revenue in America; your act of 1769, which takes away that revenue, contradicts the act of 1767; and, by something much stronger than words, asserts, that it is not expedient. It is a reflexion upon your wisdom to persist in a solemn parliamentary declaration of the expediency of any object, for which, at the same time, you make no sort of provision. And pray, Sir, let not this circumstance escape you; it is very material; that the preamble of this act, which we wish to repeal, is not *declaratory of a right*, as some gentlemen seem to argue it; it is only a recital of the *expediency* of a certain exercise of a right supposed already to have been asserted; an exercise you are now contending for by ways and means, which you confess, though they were obeyed, to be utterly insufficient for their purpose. You are theretore at this moment in the aukward situation of fighting for a phantom; a quiddity; a thing that wants, not only a substance, but even a name; for a thing, which is neither abstract right, nor profitable enjoyment.

They

They tell you, Sir, that your dignity is tied to it. I know not how it happens, but this dignity of yours is a terrible incumbrance to you; for it has of late been ever at war with your interest, your equity, and every idea of your policy. Shew the thing you contend for to be reason; shew it to be common sense; shew it to be the means of attaining some useful end; and then I am content to allow it what dignity you please. But what dignity is derived from the perseverance in absurdity is more than ever I could discern. The Hon. Gentleman has said well—indeed, in most of his *general* observations I agree with him—he says, that this subject does not stand as it did formerly. Oh, certainly not! every hour you continue on this ill-chosen ground, your difficulties thicken on you; and therefore my conclusion is, remove from a bad position as quickly as you can. The disgrace, and the necessity of yielding, both of them, grow upon you every hour of your delay.

But will you repeal the act, says the Hon. Gentleman, at this instant when America is in open resistance to your authority, and that you have just revived your system of taxation? He thinks he has driven us into a corner. But thus pent up, I am content to meet him; because I enter the lists supported by my old authority, his new friends, the ministers themselves. The Hon. Gentleman re-

members, that about five years ago as great disturbances as the present prevailed in America on account of the new taxes. The ministers represented these disturbances as treasonable; and this House thought proper, on that representation, to make a famous address for a revival, and for a new application, of a statute of H. VIII. We besought the King, in that well-considered address, to inquire into treasons, and to bring the supposed traitors from America to Great Britain for trial. His Majesty was pleased graciously to promise a compliance with our request. All the attempts from this side of the House to resist these violences, and to bring about a repeal, were treated with the utmost scorn. An apprehension of the very consequences now stated by the Hon. Gentleman, was then given as a reason for shutting the door against all hope of such an alteration. And so strong was the spirit for supporting the new taxes, that the session concluded with the following remarkable declaration. After stating the vigorous measures which had been pursued, the Speech from the throne proceeds:

You have assured me of your firm support in the prosecution of them. Nothing, in my opinion, cou'd be more likely to enable the well-disposed among my subjects in that part of the world, effectually to discourage and defeat the designs of the factious and seditious, than the hearty concurrence of

of every branch of the Legislature, in maintaining the execution of the laws in every part of my dominions.

After this no man dreamt that a repeal under this ministry could possibly take place. The Hon. Gentleman knows as well as I, that the idea was utterly exploded by those who sway the House. This Speech was made on the ninth day of May, 1769. Five days after this Speech, that is, on the 13th of the same month, the public Circular Letter, a part of which I am going to read to you, was written by Lord Hillsborough, Secretary of State for the Colonies. After reciting the substance of the King's Speech, he goes on thus:

" *I can take upon me to assure you, notwithstanding insinuations to the contrary, from men with factious and seditious views, that his Majesty's present administration have at no time entertained a design to propose to Parliament to lay any further taxes upon America, for the purpose of RAISING A REVENUE; and that it is at present their intention to propose, the next Session of Parliament, to take off the duties upon glass, paper, and colours, upon consideration of such duties having been laid contrary to the true principles of Commerce.*

" *These*

" These have always been, and still are,
 " the sentiments of his Majesty's present ser-
 " vants; and by which their conduct in respect
 " to America has been governed. And his
 " Majesty relies upon your prudence and fidelity
 " for such an explanation of his measures, as may
 " tend to remove the prejudices which have been
 " excited by the misrepresentations of those who
 " are enemies to the peace and prosperity of
 " Great Britain and her Colonies; and to re-
 " establish that mutual confidence and affection,
 " upon which the glory and safety of the British
 " empire depend."

Here, Sir, is a canonical book of ministerial scripture; the general epistle to the Americans. What does the gentleman say to it? Here a repeal is promised; promised without condition; and while your authority was actually resisted. I pass by the public promise of a Peer relative to the repeal of taxes by this House. I pass by the use of the King's name in a matter of supply, that sacred and reserved right of the Commons. I conceal the ridiculous figure of Parliament, hurling its thunders at the gigantic rebellion of America; and then five days after, prostrate at the feet of those assemblies we affected to despise; begging them, by the intervention of our ministerial sureties, to receive our submission; and heartily promising amendment. These might have been

been serious matters formerly ; but we are grown wiser than our fathers. Passing, therefore, from the constitutional consideration to the mere policy, does not this Letter imply, that the idea of taxing America for the purpose of revenue is an abominable project ; when the Ministry suppose none but *factious* men, and with seditious views, could charge them with it ? does not this Letter adopt and sanctify the American distinction of *taxing for a revenue* ? does it not formally reject all future taxation on that principle ? does it not state the ministerial rejection of such principle of taxation, not as the occasional, but the constant opinion of the King's servants ? does it not say (I care not how consistently), but does it not say, that their conduct with regard to America has been *always* governed by this policy ? It goes a great deal further. These excellent and trusty servants of the King, justly fearful lest they themselves should have lost all credit with the world, bring out the image of their gracious Sovereign from the inmost and most sacred shrine, and they pawn him, as a security for their promises—“ *His Majesty re-* “ *lies on your prudence and fidelity for such* “ *an explanation of his measures.*” These sentiments of the Minister, and these measures of his Majesty, can only relate to the principle and practice of taxing for a revenue ; and accordingly Lord Botetourt, stating it as such, did with great propriety, and in the exact spirit

spirit of his instructions, endeavour to remove the fears of the Virginian assembly, lest the sentiments, which it seems (unknown to the world) had *always* been those of the Ministers, and by which their conduct in *respect to America* *had been governed*, should by some possible revolution, favourable to wicked American taxers, be hereafter counteracted. He addresses them in this manner :

It may possibly be objected, that, as his Majesty's present administration are not immortal, their successors may be inclined to attempt to undo what the present Ministers shall have attempted to perform; and to that objection I can give but this answer: that it is my firm opinion, that the plan I have stated to you will certainly take place, and that it will never be departed from; and so determined am I for ever to abide by it, that I will be content to be declared infamous, if I do not, to the last hour of my life, at all times, in all places, and upon all occasions, exert every power with which I either am, or ever shall be legally invested, in order to obtain and maintain for the Continent of America that satisfaction which I have been authorised to promise this day, by the confidential servants of our gracious Sovereign, who to my certain knowledge rates his honour so high, that he would rather part with his crown, than preserve it by deceit.*

A glo-

* A material point is omitted by Mr. Burke in this speech, viz. the manner in which the Continent received this royal assurance. The Assembly

A glorious and true character! which (since we suffer his Ministers with impunity to answer for his ideas of taxation) we ought to make it our business to enable his Majesty to preserve in all its lustre. Let him have character, since ours is no more! Let some part of government be kept in respect!

This Epistle was not the Letter of Lord Hillsborough solely; though he held the official pen. It was the letter of the noble Lord upon the floor †, and of all the King's then Ministers, who (with I think the exception of two only) are his Ministers at this hour. The very first news that a British Parliament heard of what it was to do with the duties which it had given and granted to the King, was by the publication of the votes of American assemblies. It was in America that your resolutions were pre-declared. It was from thence that we

Assembly of Virginia, in their Address in answer to Lord Botetourt's Speech, express themselves thus: " We will not suffer our " present hopes, arising from the pleasing prospect your Lordship " hath so kindly opened and displayed to us, to be dashed by the " bitter reflection that any *future* administration will entertain a " wish to depart from that *plan*, which affords the surest and most " permanent foundation of public tranquillity and happiness: No, " my Lord, we are sure *our most gracious Sovereign*, under whatever " changes may happen in his confidential servants, will remain im- " mutable in the ways of truth and justice, and that he is *incapable* " of deceiving his *faithful subjects*; and we esteem your Lordship's " information not only as warranted, but even *sanctified by the* " *royal word*."

† Lord North,

knew

knew to a certainty, how much exactly, and not a scruple more nor less, we were to repeal. We were unworthy to be let into the secret of our own conduct. The assemblies had *confidential* communications from his Majesty's *confidential* servants. We were nothing but instruments. Do you, after this, wonder that you have no weight, and no respect in the Colonies? After this, are you surprized, that Parliament is every day and every where losing (I feel it with sorrow, I utter it with reluctance) that reverential affection, which so endearing a name of authority ought ever to carry with it; that you are obeyed solely from respect to the bayonet; and that this House, the ground and pillar of freedom, is itself held up only by the treacherous under-pinning and clumsy buttresses of arbitrary power?

If this dignity, which is to stand in the place of just policy and common sense, had been consulted, there was a time for preserving it, and for reconciling it with any concession. If in the session of 1768, that session of idle terror and empty menaces, you had, as you were often preslēd to do, repealed these taxes; then your strong operations would have come justified and enforced, in case your concessions had been returned by outrages. But, preposterously, you began with violence; and before terrors could have any effect, either good or bad, your ministers immediately begged pardon,

pardon, and promised that repeal to the obstinate Americans which they had refused in an easy, good-natured, complying British Parliament. The assemblies, which had been publicly and avowedly dissolved for *their* contumacy, are called together to receive *your* submission. Your ministerial directors blustered like tragic tyrants here; and then went mumping with a sore leg in America, canting, and whining, and complaining of faction, which represented them as friends to a revenue from the Colonies. I hope nobody in this House will hereafter have the impudence to defend American taxes in the name of Ministry. The moment they do, with this letter of attorney in my hand, I will tell them, in the authorised terms, they are wretches, “ with factious and seditious views; enemies to the peace and prosperity of the Mother Country and the Colonies,” and subverters “ of the mutual affection and confidence on which the glory and safety of the British Empire depend.”

- After this Letter, the question is no more on propriety or dignity. They are gone already.
- The faith of your Sovereign is pledged for the political principle. The general declaration in the Letter goes to the whole of it. You must therefore either abandon the scheme of taxing;
- or you must send the Ministers tarred and feathered to America, who dared to hold out the

the Royal Faith for a renunciation of all taxes for revenue. Them you must punish, or this faith you must preserve. The preservation of this faith is of more consequence than the duties on *red lead*, or *white lead*, or on broken *glass*, or *atlas ordinary*, or *demi-fine*, or *blue-royal*, or *bastard*, or *fool's-cap*, which you have given up; or the three-pence on tea which you retained. The Letter went stampt with the public authority of this kingdom. The instructions for the Colony government go under no other sanction; and America cannot believe, and will not obey you, if you do not preserve this channel of communication sacred. You are now punishing the Colonies for acting on distinctions, held out by that very Ministry which is here shining in riches, in favour, and in power; and urging the punishment of the very offence, to which they had themselves been the tempters.

Sir, If reasons respecting simply your own commerce, which is your own convenience, were the sole grounds of the repeal of the five duties; why does Lord Hillsborough, in disclaiming in the name of the King and Ministry their ever having had an intent to tax for revenue, mention it as the means "of re-establishing the confidence and affection of the Colonies?" Is it a way of soothing *others*, to assure them that you will take good care of *yourself*? The medium, the only medium,

for

for regaining their affection and confidence is, that you will take off something oppressive to their minds. Sir, the Letter strongly enforces that idea; for though the repeal of the taxes is promised on commercial principles, yet the means of counteracting “the insinuations of “men with factious and seditious views,” is by a disclaimer of the intention of taxing for revenue, as a constant invariable sentiment and rule of conduct in the government of America.

I remember that the noble Lord on the floor, not in a former debate to be sure (it would be disorderly to refer to it, I suppose I read it somewhere), but the noble Lord was pleased to say, that he did not conceive how it could enter into the head of man to impose such taxes as those of 1767; I mean those taxes which he voted for imposing, and voted for repealing; as being taxes, contrary to all the principles of commerce, laid on *British Manufactures*.

I dare say the noble Lord is perfectly well read, because the duty of his particular office requires he should be so, in all our revenue laws; and in the policy which is to be collected out of them. Now, Sir, when he had read this act of American revenue, and a little recovered from his astonishment, I suppose he made one step retrograde (it is but one)

and looked at the act which stands just before in the Statute Book. The American revenue act is the forty-fifth chapter; the other to which I refer is the forty-fourth of the same session. These two acts are both to the same purpose; both revenue acts; both taxing out of the kingdom; and both taxing British manufactures exported. As the 45th is an act for raising a revenue in America, the 44th is an act for raising a revenue in the Isle of Man. The two acts perfectly agree in all respects, except one. In the act for taxing the Isle of Man, the noble Lord will find (not, as in the American act, four or five articles) but almost the *whole body* of British manufactures, taxed from two and an half to fifteen *per cent.* and some articles, such as that of spirits, a great deal higher. You did not think it uncommercial to tax the whole mass of your manufactures, and, let me add, your agriculture too; for, I now recollect, British corn is there also taxed up to ten *per cent.* and this too in the very head-quarters, the very citadel of smuggling, the Isle of Man. Now will the noble Lord condescend to tell me why he repealed the taxes on your manufactures sent out to America, and not the taxes on the manufactures exported to the Isle of Man? The principle was exactly the same, the objects charged infinitely more extensive, the duties without comparison higher. Why? why, notwithstanding all his childish pretexts, because the

the taxes were quietly submitted to in the Isle of Man; and because they raised a flame in America. Your reasons were political, not commercial. The repeal was made, as Lord Hillsborough's Letter well expresses it, to regain "the confidence and affection of the Colonies, on which the glory and safety of the British Empire depend." A wise and just motive surely, if ever there was such. But the mischief and dishonour is, that you have not done what you had given the Colonies just cause to expect, when your ministers disclaimed the idea of taxes for a revenue. There is nothing simple, nothing manly, nothing ingenuous, open, decisive, or steady, in the proceeding, with regard either to the continuance or the repeal of the taxes. The whole has an air of littleness and fraud. The article of tea is slurred over in the Circular Letter, as it were by accident—nothing is said of a resolution either to keep that tax, or to give it up. There is no fair dealing in any part of the transaction.

If you mean to follow your true motive and your public faith, give up your tax on tea for raising a revenue, the principle of which has, in effect, been disclaimed in your name; and which produces you no advantage; no, not a penny. Or, if you choose to go on with a poor pretence instead of a solid reason, and will still adhere to your cant of commerce,

you have ten thousand times more strong commercial reasons for giving up this duty on tea, than for abandoning the five others that you have already renounced.

The American consumption of teas is annually, I believe, worth 300,000 l. at the least farthing. If you urge the American violence as a justification of your perseverance in enforcing this tax, you know that you can never answer this plain question—Why did you repeal the others given in the same act, whilst the very same violence subsisted?—But you did not find the violence cease upon that concession.—No! because the concession was far short of satisfying the principle which Lord Hillsborough had abjured; or even the pretence on which the repeal of the other taxes was announced: and because, by enabling the East India Company to open a shop for defeating the American resolution not to pay that specific tax, you manifestly shewed a hankering after the principle of the act which you formerly had renounced. Whatever road you take leads to a compliance with this motion. It opens to you at the end of every vista. Your commerce, your policy, your promises, your reasons, your pretences, your consistency, your inconsistency—all jointly oblige you to this repeal.

But still it sticks in our throats, if we go so far, the Americans will go farther.—We do not know that. We ought, from experience, rather to presume the contrary. Do we not know for certain, that the Americans are going on as fast as possible, whilst we refuse to gratify them? can they do more, or can they do worse, if we yield this point? I think this concession will rather fix a turnpike to prevent their further progress. It is impossible to answer for bodies of men. But I am sure the natural effect of fidelity, clemency, kindness in governors, is peace, good-will, order, and esteem, on the part of the governed. I would certainly, at least, give these fair principles a fair trial; which, since the making of this act to this hour, they never have had.

Sir, the Hon. Gentleman having spoken what he thought necessary upon the narrow part of the subject, I have given him, I hope, a satisfactory answer. He next presses me by a variety of direct challenges and oblique reflexions to say something on the historical part. I shall therefore, Sir, open myself fully on that important and delicate subject; not for the sake of telling you a long story (which, I know, Mr. Speaker, you are not particularly fond of), but for the sake of the weighty instruction that, I flatter myself, will necessarily result from it. It shall not be longer,

if I can help it, than so serious a matter requires.

Permit me then, Sir, to lead your attention very far back; back to the act of navigation; the corner-stone of the policy of this country with regard to its colonies. Sir, that policy was, from the beginning, purely commercial; and the commercial system was wholly restrictive. It was the system of a monopoly. No trade was let loose from that constraint, but merely to enable the Colonists to dispose of what, in the course of your trade, you could not take; or to enable them to dispose of such articles as we forced upon them, and for which, without some degree of liberty, they could not pay. Hence all your specific and detailed enumerations: hence the innumerable checks and counter-checks: hence that infinite variety of paper chains by which you bind together this complicated system of the Colonies. This principle of commercial monopoly runs through no less than twenty-nine A&ts of Parliament, from the year 1660 to the unfortunate period of 1764.

In all those acts the system of commerce is established, as that, from whence alone you proposed to make the Colonies contribute (I mean directly and by the operation of your superintending legislative power) to the strength of the empire. I venture to say, that during that

that whole period, a parliamentary revenue from thence was never once in contemplation. Accordingly, in all the number of laws passed with regard to the Plantations, the words which distinguish revenue laws, specifically as such, were, I think, premeditately avoided. I do not say, Sir, that a form of words alters the nature of the law, or abridges the power of the lawgiver. It certainly does not. However, titles and formal preambles are not always idle words; and the lawyers frequently argue from them. I state these facts to shew, not what was your right, but what has been your settled policy. Our revenue laws have usually a *title*, purporting their being *grants*; and the words *give and grant* usually precede the enacting parts. Although duties were imposed on America in A&ts of King Charles the Second, and in A&ts of King William, no one title of giving “an aid to His Majesty,” or any other of the usual titles to revenue acts, was to be found in any of them till 1764; nor were the words “give and grant” in any preamble until the 6th of George the Second. However the title of this A&t of George the Second, notwithstanding the words of donation, considers it merely as a regulation of trade, “An A&t for the better securing of the trade “of His Majesty’s Sugar Colonies in America.” This A&t was made on a compromise of all, and at the express desire of a part, of the Co-

lonies themselves. It was therefore in some measure with their consent; and having a title directly purporting only a *commercial regulation*, and being in truth nothing more, the words were passed by, at a time when no jealousy was entertained, and things were little scrutinized. Even Governor Bernard, in his second printed Letter, dated in 1763, gives it as his opinion, that "it was an act of *prohibition*, "not of revenue." This is certainly true; that no act avowedly for the purpose of revenue, and with the ordinary title and recital taken together, is found in the statute book until the year I have mentioned; that is, the year 1764. All before this period stood on commercial regulation and restraint. The scheme of a Colony revenue by British authority appeared therefore to the Americans in the light of a great innovation; the words of Governor Bernard's ninth Letter, written in Nov. 1765, state this idea very strongly; "it must," says he, "have been supposed, *such an innovation as a parliamentary taxation*, would cause a "great alarm, and meet with much *opposition* "in most parts of America; it was *quite new* "to the people, and had no *visible bounds* set "to it." After stating the weakness of government there, he says, "was this a time to introduce *so great a novelty* as a parliamentary "inland taxation in America?" Whatever the right might have been, this mode of using it was absolutely new in policy and practice.

Sir,

Sir, they who are friends to the schemes of American revenue say, that the commercial restraint is full as hard a law for America to live under. I think so too. I think it, if uncompensated, to be a condition of as rigorous servitude as men can be subject to. But America bore it from the fundamental act of navigation until 1764.—Why? Because men do bear the inevitable constitution of their original nature with all its infirmities. The act of navigation attended the Colonies from their infancy, grew with their growth, and strengthened with their strength. They were confirmed in obedience to it, even more by usage than by law. They scarcely had remembered a time when they were not subject to such restraint. Besides, they were indemnified for it by a pecuniary compensation. Their monopolist happened to be one of the richest men in the world. By his immense capital (primarily employed, not for their benefit, but his own) they were enabled to proceed with their fisheries, their agriculture, their ship-building (and their trade too within the limits), in such a manner as got far the start of the slow languid operations of unassisted nature. This capital was a hot-bed to them. Nothing in the history of mankind is like their progress. For my part, I never cast an eye on their flourishing commerce, and their cultivated and commodious life, but they seem to me rather ancient

tient nations grown to perfection through a long series of fortunate events, and a train of successful industry, accumulating wealth in many centuries, than the Colonies of yesterday ; than a set of miserable out-casts, a few years ago, not so much sent as thrown out, on the bleak and barren shore of a desolate wilderness three thousand miles from all civilized intercourse.

All this was done by England, whilst England pursued trade, and forgot revenue. You not only acquired commerce, but you actually created the very objects of trade in America ; and by that creation you raised the trade of this kingdom at least four-fold. America had the compensation of your capital, which made her bear her servitude. She had another compensation, which you are now going to take away from her. She had, except the commercial restraint, every characteristic mark of a free people in all her internal concerns. She had the image of the British constitution. She had the substance. She was taxed by her own representatives. She chose most of her own magistrates. She paid them all. She had in effect the sole disposal of her own internal government. This whole state of commercial servitude and civil liberty, taken together, is certainly not perfect freedom ; but comparing it with the ordinary circumstances

of human nature, it was an happy and a liberal condition.

I know, Sir, that great and not unsuccessful pains have been taken to inflame our minds by an outcry, in this House and out of it, that in America the act of navigation neither is, or ever was, obeyed. But if you take the Colonies through, I affirm, that its authority never was disputed; that it was no where disputed for any length of time; and on the whole, that it was well observed. Wherever the Act pressed hard, many individuals indeed evaded it. This is nothing. These scattered individuals never denied the law, and never obeyed it. Just as it happens whenever the laws of trade, whenever the laws of revenue, press hard upon the people in England; in that case all your shores are full of contraband. Your right to give a monopoly to the East India Company, your right to lay immense duties on French brandy, are not disputed in England. You do not make this charge on any man. But you know that there is not a creek from Pentland Frith to the Isle of Wight, in which they do not smuggle immense quantities of teas, East India goods, and brandies. I take it for granted, that the authority of Gov. Bernard in this point is indisputable. Speaking of these laws, as they regarded that part of America now in so unhappy a condition, he says, "I believe they
" are

“ are no where better supported than in this Province; I do not pretend that it is entirely free from a breach of these laws; but that such a breach, if discovered, is justly punished.” What more can you say of the obedience to any laws in any Country? An obedience to these laws formed the acknowledgement, instituted by yourselves, for your superiority; and was the payment you originally imposed for your protection.

Whether you were right or wrong in establishing the Colonies on the principles of commercial monopoly, rather than on that of revenue, is at this day a problem of mere speculation. You cannot have both by the same authority. To join together the restraints of an universal internal and external monopoly, with an universal internal and external taxation, is an unnatural union; perfect uncompensated slavery. You have long since decided for yourself and them; and you and they have prospered exceedingly under that decision.

This nation, Sir, never thought of departing from that choice until the period immediately on the close of the last war. Then a scheme of government new in many things seemed to have been adopted. I saw, or thought I saw, several symptoms of a great change, whilst I sat in your gallery, a good while before I had the honour of a seat in this

this House. At that period the necessity was established of keeping up no less than twenty new regiments, with twenty colonels capable of seats in this House. This scheme was adopted with very general applause from all sides, at the very time that, by your conquests in America, your danger from foreign attempts in that part of the world was much lessened, or indeed rather quite over. When this huge increase of military establishment was resolved on, a revenue was to be found to support so great a burthen. Country gentlemen, the great patrons of œconomy, and the great resistors of a standing armed force, would not have entered with much alacrity into the vote for so large and so expensive an army, if they had been very sure that they were to continue to pay for it. But hopes of another kind were held out to them ; and in particular, I well remember, that Mr. Townshend, in a brilliant harangue on this subject, did dazzle them, by playing before their eyes the image of a revenue to be raised in America.

Here began to dawn the first glimmerings of this new Colony system. It appeared more distinctly afterwards, when it was devolved upon a person to whom, on other accounts, this Country owes very great obligations. I do believe, that he had a very serious desire to benefit the public. But with no small study of

of the detail, he did not seem to have his view, at least equally, carried to the total circuit of our affairs. He generally considered his objects in lights that were rather too detached. Whether the business of an American revenue was imposed upon him altogether; whether it was entirely the result of his own speculation; or, what is more probable, that his own ideas rather coincided with the instructions he had received; certain it is, that, with the best intentions in the world, he first brought this fatal scheme into form, and established it by act of parliament.

No man can believe, that at this time of day I mean to lean on the venerable memory of a great man, whose loss we deplore in common. Our little party-differences have been long ago composed; and I have acted more with him, and certainly with more pleasure with him, than ever I acted against him. Undoubtedly Mr. Grenville was a first-rate figure in this country. With a masculine understanding, and a stout and resolute heart, he had an application undissipated and unwearied. He took public business, not as a duty which he was to fulfil, but as a pleasure he was to enjoy; and he seemed to have no delight out of this House, except in such things as some way related to the business that was to be done within it. If he was ambitious, I will say this for him, his ambition was of a noble and generous

generous strain. It was to raise himself, not by the low pimping politics of a court, but to win his way to power, through the laborious gradations of public service; and to secure to himself a well-earned rank in Parliament, by a thorough knowledge of its constitution, and a perfect practice in all its business.

Sir, if such a man fell into errors, it must be from defects not intrinsical; they must be rather sought in the particular habits of his life; which, though they do not alter the ground-work of character, yet tinge it with their own hue. He was bred in a profession. He was bred to the law, which is, in my opinion, one of the first and noblest of human sciences; a science which does more to quicken and invigorate the understanding, than all the other kinds of learning put together; but it is not apt, except in persons very happily born, to open and to liberalize the mind exactly in the same proportion. Passing from that study he did not go very largely into the world; but plunged into business; I mean into the business of office; and the limited and fixed methods and forms established there. Much knowledge is to be had undoubtedly in that line; and there is no knowledge which is not valuable. But it may be truly said, that men too much conversant in office, are rarely minds of remarkable enlargement. Their habits of office are apt to give them a turn to think the substance

substance of business not to be much more important than the forms in which it is conducted. These forms are adapted to ordinary occasions; and therefore persons who are nurtured in office do admirably well, as long as things go on in their common order; but when the high roads are broken up, and the waters out, when a new and troubled scene is opened, and the file affords no precedent, then it is that a greater knowledge of mankind, and a far more extensive comprehension of things is requisite than ever office gave, or than office can ever give. Mr. Grenville thought better of the wisdom and power of human legislation than in truth it deserves. He conceived, and many conceived along with him, that the flourishing trade of this country was greatly owing to law and institution, and not quite so much to liberty; for but too many are apt to believe regulation to be commerce, and taxes to be revenue. Among regulations, that which stood first in reputation was his idol. I mean the act of navigation. He has often professed it to be so. The policy of that act is, I readily admit, in many respects well understood. But I do say, that if the act be suffered to run the full length of its principle, and is not changed and modified according to the change of times and the fluctuation of circumstances, it must do great mischief, and frequently even defeat its own purpose.

After the war, and in the last years of it, the trade of America had increased far beyond the speculations of the most sanguine imaginations. It swelled out on every side. It filled all its proper channels to the brim. It overflowed with a rich redundancy, and breaking its banks on the right and on the left, it spread out upon some places, where it was indeed improper, upon others where it was only irregular. It is the nature of all greatness not to be exact; and great trade will always be attended with considerable abuses. The contraband will always keep pace in some measure with the fair trade. It should stand as a fundamental maxim, that no vulgar precaution ought to be employed in the cure of evils, which are closely connected with the cause of our prosperity. Perhaps this great person turned his eye somewhat less than was just, towards the incredible increase of the fair trade; and looked with something of too exquisite jealousy towards the contraband. He certainly felt a singular degree of anxiety on the subject; and even began to act from that passion earlier than is commonly imagined. For whilst he was first lord of the admiralty, though not strictly called upon in his official line, he presented a very strong memorial to the lords of the treasure (my lord Bute was then at the head of the board); heavily complaining of the growth of the illicit commerce in America. Some mischief happened even at that time from this

over-earnest zeal. Much greater happened afterwards when it operated with greater power in the highest department of the finances. The bonds of the act of navigation were straitned so much, that America was on the point of having no trade, either contraband or legitimate. They found, under the construction and execution then used, the act no longer tying but actually strangling them. All this coming with new enumerations of commodities; with regulations which in a manner put a stop to the mutual coasting intercourse of the Colonies; with the appointment of courts of admiralty under various improper circumstances; with a sudden extinction of the paper currencies; with a compulsory provision for the quartering of soldiers; the people of America thought themselves proceeded against as delinquents, or at best as people under suspicion of delinquency; and in such a manner, as they imagined, their recent services in the war did not at all merit. Any of these innumerable regulations, perhaps, would not have alarmed alone; some might be thought reasonable; the multitude struck them with terror.

But the grand manœuvre in that business of new regulating the Colonies, was the 15th act of the fourth of George III; which, besides containing several of the matters to which I have just alluded, opened a new principle: and here properly began the second period of the policy

policy of this country with regard to the Colonies; by which the scheme of a regular plantation parliamentary revenue was adopted in theory, and settled in practice. A revenue not substituted in the place of, but superadded to, a monopoly; which monopoly was enforced at the same time with additional strictness, and the execution put into military hands.

This act, Sir, had for the first time the title of "granting duties in the Colonies and Plantations of America;" and for the first time it was asserted in the preamble, "that it was *just* and *necessary* that a revenue should be raised there." Then came the technical words of "giving and granting;" and thus a complete American revenue act was made in all the forms, and with a full avowal of the right, equity, policy, and even necessity of taxing the Colonies, without any formal consent of theirs. There are contained also in the preamble to that act these very remarkable words —the Commons, &c.—"being desirous to make *some* provision in the *present* Session of Parliament *towards* raising the said revenue." By these words it appeared to the Colonies, that this act was but a beginning of sorrows; that every session was to produce something of the same kind; that we were to go on from day to day, in charging them with such taxes as we pleased, for such a military force as we should think proper. Had this

plan been pursued, it was evident that the provincial assemblies, in which the Americans felt all their portion of importance, and beheld their sole image of freedom, were *ipso facto* annihilated. This ill prospect before them seemed to be boundless in extent, and endless in duration. Sir, they were not mistaken. The Ministry valued themselves when this act passed, and when they gave notice of the Stamp Act, that both of the duties came very short of their ideas of American Taxation. Great was the applause of this measure here. In England we cried out for new taxes on America, whilst they cried out that they were nearly crushed with those which the war and their own grants had brought upon them.

Sir, it has been said in the debate, that when the first American revenue act (the act in 1764, imposing the port duties) passed, the Americans did not object to the principle. It is true they touched it but very tenderly. It was not a direct attack. They were, it is true, as yet novices; as yet unaccustomed to direct attacks upon any of the rights of Parliament. The duties were port duties, like those they had been accustomed to bear; with this difference, that the title was not the same, the preamble not the same, and the spirit altogether unlike. But of what service is this observation to the cause of those that make it? It is a full refutation of the pretence for their present cruelty to America; for it shews, out of their

own

own mouths, that our Colonies were backward to enter into the present vexatious and ruinous controversy.

There is also another circulation abroad, (spread with a malignant intention, which I cannot attribute to those who say the same thing in this house) that Mr. Grenville gave the Colony agents an option for their assemblies to tax themselves, which they had refused. I find that much stress is laid on this, as a fact. However, it happens neither to be true nor possible. I will observe first, that Mr. Grenville never thought fit to make this apology for himself in the innumerable debates that were had upon the subject. He might have proposed to the Colony agents, that they should agree in some mode of taxation as the ground of an Act of Parliament. But he never could have proposed that they should tax themselves on requisition, which is the assertion of the day. Indeed, Mr. Grenville well knew, that the Colony agents could have no general powers to consent to it; and they had no time to consult their assemblies for particular powers, before he passed his first revenue act. If you compare dates, you will find it impossible. Burthened as the agents knew the Colonies were at that time, they could not give the least hope of such grants. His own favourite governour was of opinion that the Americans were not then taxable objects:

“ Nor was the time less favourable to the equity of such a taxation. I don’t mean to dispute the reasonableness of America contributing to the charges of Great Britain when she is able ; nor, I believe, would the Americans themselves have disputed it, at a proper time and season. But it should be considered, that the American governments themselves have, in the prosecution of the late war, contracted very large debts ; which it will take some years to pay off, and in the mean time occasion very burdensome taxes for that purpose only. For instance, this government, which is as much before hand as any, raises every year 37,500 l. sterling for sinking their debt, and must continue it for four years longer at least before it will be clear.”

These are the words of Governor Bernard’s Letter to a member of the old ministry, and which he has since printed. Mr. Grenville could not have made this proposition to the agents, for another reason. He was of opinion, which he has declared in this House an hundred times, that the Colonies could not legally grant any revenue to the Crown ; and that infinite mischiefs would be the consequence of such a power. When Mr. Grenville had passed the first revenue act, and in the same session had made this House come to a resolution for laying a stamp-duty on America, between that time and the passing the stamp-act into a law, he told a considerable and most respect-

respectable merchant, a member of this House, whom I am truly sorry I do not now see in his place, when he represented against this proceeding, that if the stamp-duty was disliked, he was willing to exchange it for any other equally productive; but that, if he objected to the Americans being taxed by Parliament, he might save himself the trouble of the discussion, as he was determined on the measure. This is the fact, and, if you please, I will mention a very unquestionable authority for it.

Thus, Sir, I have disposed of this falsehood. But falsehood has a perennial spring. It is said, that no conjecture could be made of the dislike of the Colonies to the principle. This is as untrue as the other. After the resolution of the House, and before the passing of the stamp act, the Colonies of Massachusetts Bay and New York did send remonstrances, objecting to this mode of parliamentary taxation. What was the consequence? They were suppressed; they were put under the table; notwithstanding an order of council to the contrary, by the ministry which composed the very council that had made the order; and thus the House proceeded to its business of taxing without the least regular knowledge of the objections which were made to it. But to give that House its due, it was not over desirous to receive information, or to hear remonstrance. On the 15th of February, 1765, whilst the stamp-act was under deliberation,

they refused with scorn even so much as to receive four petitions presented from so respectable Colonies as Connecticut, Rhode Island, Virginia, and Carolina; besides one from the traders of Jamaica. As to the Colonies, they had no alternative left to them, but to disobey; or to pay the taxes imposed by that Parliament which was not suffered, or did not suffer itself, even to hear them remonstrate upon the subject.

This was the state of the Colonies before his Majesty thought fit to change his ministers. It stands upon no authority of mine. It is proved by uncontrovertible records. The Hon. Gentleman has desired some of us to lay our hands upon our hearts, and answer to his queries upon the historical part of this consideration; and by his manuer (as well as my eyes could discern it) he seemed to address himself to me.

Sir, I will answer him as clearly as I am able, and with great openness: I have nothing to conceal. In the year sixty-five, being in a very private station, far enough from any line of business, and not having the honour of a seat in this House, it was my fortune, unknowing and unknown to the then ministry, by the intervention of a common friend, to become connected with a very noble person, and at the head of the Treasury department. It was indeed in a situation of little rank and

no consequence, suitable to the mediocrity of my talents and pretensions. But a situation near enough to enable me to see, as well as others, what was going on; and I did see in that noble person such sound principles, such an enlargement of mind, such clear and sagacious sense, and such unshaken fortitude, as have bound me, as well as others much better than me, by an inviolable attachment to him from that time forward. Sir, Lord Rockingham very early in that summer received a strong representation from many weighty English merchants and manufacturers, from governors of provinces and commanders of men of war, against almost the whole of the American commercial regulations: and particularly with regard to the total ruin which was threatened to the Spanish trade. I believe, Sir, the noble Lord soon saw his way in this business. But he did not rashly determine against acts which it might be supposed were the result of much deliberation. However, Sir, he scarcely began to open the ground, when the whole veteran body of office took the alarm. A violent outcry of all (except those who knew and felt the mischief) was raised against any alteration. On one hand, his attempt was a direct violation of treaties and public law.—On the other, the Act of Navigation and all the corps of trade laws were drawn up in array against it.

The first step the noble Lord took, was to have the opinion of his excellent, learned, and ever lamented friend the late Mr. Yorke, then attorney general, on the point of law. When he knew that formally and officially, which in substance he had known before, he immediately dispatched orders to redress the grievance. But I will say it for the then minister, he is of that constitution of mind, that I know he would have issued, on the same critical occasion, the very same orders, if the Acts of Trade had been, as they were not, directly against him; and would have chearfully submitted to the equity of Parliament for his indemnity.

On the conclusion of this business of the Spanish trade, the news of the troubles, on account of the stamp-act, arrived in England. It was not until the end of October that these accounts were received. No sooner had the sound of that mighty tempest reached us in England, than the whole of the then opposition, instead of feeling humbled by the unhappy issue of their measures, seemed to be infinitely elated, and cried out, that the ministry, from envy to the glory of their predecessors, were prepared to repeal the stamp-act. Near nine years after, the Hon. Gentleman takes quite opposite ground, and now challenges me to put my hand to my heart, and say, whether the ministry had resolved on the repeal

repeal till a considerable time after the meeting of Parliament. Though I do not very well know what the Hon. Gentleman wishes to infer from the admission, or from the denial, of this fact, on which he so earnestly adjures me; I do put my hand on my heart, and assure him, that they did *not* come to a resolution directly to repeal. They weighed this matter as its difficulty and importance required. They considered maturely among themselves. They consulted with all who could give advice or information. It was not determined until a little before the meeting of Parliament; but it was determined, and the main lines of their own plan marked out, before that meeting. Two questions arose (I hope I am not going into a narrative troublesome to the House)

[A cry of, Go on, go on.]

The first of the two considerations was, whether the repeal should be total, or whether only partial; taking out every thing burthensome and productive, and reserving only an empty acknowledgement, such as a stamp on cards or dice. The other question was, On what principle the act should be repealed? On this head also two principles were started. One, that the legislative rights of this country, with regard to America, were not entire, but had certain restrictions and limitations. The other principle was, that taxes of

this kind were contrary to the fundamental principles of commerce on which the Colonies were founded; and contrary to every idea of political equity; by which equity we are bound, as much as possible to extend the spirit and benefit of the British constitution to every part of the British dominions. The option, both of the measure, and of the principle of repeal, was made before the session; and I wonder how any one can read the King's Speech at the opening of that session, without seeing in that Speech both the repeal and the declaratory act very sufficiently crayoned out. Those who cannot see this can see nothing.

Surely the Hon. Gentleman will not think that a great deal less time than was then employed, ought to have been spent in deliberation; when he considers that the news of the troubles did not arrive till towards the end of October. The Parliament sat to fill the vacancies on the 14th day of December, and on business the 14th of the following January.

Sir, a partial repeal, or, as the *bon ton* of the court then was, a *modification*, would have satisfied a timid, unsystematic, procrastinating ministry, as such a measure has since done such a ministry. A modification is the constant resource of weak undeciding minds. To repeal by a denial of our right to tax in the preamble (and this too did not want advisers), would have cut, in the heroic style, the *Gordian*

dian knot with a sword. Either measure would have cost no more than a day's debate. But when the total repeal was adopted ; and adopted on principles of policy, of equity, and of commerce ; this plan made it necessary to enter into many and difficult measures. It became necessary to open a very large field of evidence commensurate to these extensive views. But then this labour did knight's service. It opened the eyes of several to the true state of the American affairs; it enlarged their ideas ; it removed prejudices ; and it conciliated the opinions and affections of men. The noble Lord, who then took the lead in administration, my Hon. Friend * under me, and a Right Hon. Gentleman † (if he will not reject his share, and it was a large one, of this business) exerted the most laudable industry in bringing before you the fullest, most impartial, and least-garbled body of evidence that ever was produced to this House. I think the enquiry lasted in the Committee for six weeks ; and at its conclusion this House, by an independent, noble, spirited, and unexpected majority ; by a majority that will redeem all the acts ever done by majorities in Parliament ; in the teeth of all the old mercenary Swiss of state, in despite of all the speculators and augurs of political events, in defiance of the whole embattled legion of veteran pensioners and practised instruments of a court, gave a total repeal to the stamp-act, and (if it had

* Mr. Dowdeswell. † General Conway.

been

been so permitted) a lasting peace to this whole empire.

I state, Sir, these particulars, because this act of spirit and fortitude has lately been, in the circulation of the season, and in some hazarded declamations in this House, attributed to timidity. If, Sir, the conduct of ministry, in proposing the repeal, had arisen from timidity with regard to themselves, it would have been greatly to be condemned. Interested timidity disgraces as much in the cabinet, as personal timidity does in the field. But timidity, with regard to the well-being of our country, is heroic virtue. The noble Lord who then conducted affairs, and his worthy colleagues, whilst they trembled at the prospect of such distresses as you have since brought upon yourselves, were not afraid steadily to look in the face that glaring and dazzling influence at which the eyes of eagles have blenched. He looked in the face one of the ablest, and, let me say, not the most scrupulous oppositions, that perhaps ever was in this House, and withstood it, unaided by, even one of, the usual supports of administration. He did this when he repealed the stamp-act. He looked in the face a person he had long respected and regarded, and whose aid was then particularly wanting; I mean Lord Chatham. He did this when he passed the declaratory act.

It is now given out, for the usual purposes, by the usual emissaries, that Lord Rockingham did not consent to the repeal of this act until he was bullied into it by Lord Chatham; and the reporters have gone so far as publickly to assert, in an hundred companies, that the Hon. Gentleman under the gallery *, who proposed the repeal in the American Committee, had another sett of resolutions in his pocket directly the reverse of those he moved. These artifices of a desperate cause are, at this time, spread abroad, with incredible care, in every part of the town, from the highest to the lowest companies; as if the industry of the circulation were to make amends for the absurdity of the report.

Sir, whether the noble Lord is of a complexion to be bullied by Lord Chatham, or by any man, I must submit to those who know him. I confess, when I look back to that time, I consider him as placed in one of the most trying situations in which, perhaps, any man ever stood. In the House of Peers there were very few of the ministry, out of the noble Lord's own particular connexion, (except Lord Egmont, who acted, as far as I could discern, an honourable and manly part,) that did not look to some other future arrangement, which warped his politicks. There were in both houses new and menacing appearances, that might very naturally drive

* General Conway.

any

any other, than a most resolute minister, from his measure or from his station. The household troops openly revolted. The allies of ministry (those, I mean, who supported some of their measures, but refused responsibility for any) endeavoured to undermine their credit, and to take ground that must be fatal to the success of the very cause which they would be thought to countenance. The question of the repeal was brought on by ministry in the Committee of this House, in the very instant when it was known that more than one court negotiation was carrying on with the heads of the opposition. Every thing, upon every side, was full of traps and mines, Earth below shook; heaven above menaced; all the elements of ministerial safety were dissolved. It was in the midst of this chaos of plots and counter-plots; it was in the midst of this complicated warfare against public opposition and private treachery, that the firmness of that noble Person was put to the proof. He never stirred from his ground; no, not an inch. He remained fixed and determined, in principle, in measure, and in conduct. He practised no managements. He secured no retreat. He sought no apology.

I will likewise do justice, I ought to do it, to the Hon. Gentleman who led us in this House *. Far from the duplicity wickedly charged on him, he acted his part with alacrity

* General Conway.

and

and resolution. We all felt inspired by the example he gave us, down even to myself, the weakest in that phalanx. I declare for one, I knew well enough (it could not be concealed from any body) the true state of things; but, in my life, I never came with so much spirits into this House. It was a time for a *man* to act in. We had powerful enemies; but we had faithful and determined friends; and a glorious cause. We had a great battle to fight; but we had the means of fighting; not as now, when our arms are tied behind us. We did fight that day and conquer.

I remember, Sir, with a melancholy pleasure, the situation of the Hon. Gentleman * who made the motion for the repeal; in that crisis, when the whole trading interest of this empire, crammed into your lobbies, with a trembling and anxious expectation, waited, almost to a winter's return of light, their fate from your resolutions. When, at length, you had determined in their favour, and your doors, thrown open, shewed them the figure of their deliverer in the well-earned triumph of his important victory, from the whole of that grave multitude there arose an involuntary burst of gratitude and transport. They jumped upon him like children on a long absent father. They clung about him as captives about their redeemer. All England, all America, joined to his applause. Nor did he seem insensible to the best of all earthly rewards, the

* General Conway.

love and admiration of his fellow-citizens. *Hope elevated and joy brightened his crest.* I stood near him; and his face, to use the expression of the Scripture of the first martyr, “ his face was as if it had been the face of an “ angel.” I do not know how others feel; but if I had stood in that situation, I never would have exchanged it for all that kings in their profusion could bestow. I did hope, that that day’s danger and honour would have been a bond to hold us all together for ever. But, alas! that, with other pleasing visions, is long since vanished.

Sir, this act of supreme magnanimity has been represented, as if it had been a measure of an administration, that, having no scheme of their own, took a middle line, pilfered a bit from one side and a bit from the other. Sir, they took *no* middle lines. They differed fundamentally from the schemes of both parties; but they preserved the objects of both. They preserved the authority of Great Britain. They preserved the equity of Great Britain. They made the declaratory act; they repealed the stamp act. They did both *fully*; because the declaratory act was *without qualification*; and the repeal of the stamp act *total*. This they did in the situation I have described.

Now, Sir, what will the adversary say to both these acts? If the principle of the declaratory act was not good, the principle we are contending for this day is monstrous. If the principle

principle of the repeal was not good, why are we not at war for a real substantial effective revenue? If both were bad; why has this ministry incurred all the inconveniences of both and of all schemes? Why have they enacted, repealed, enforced, yielded, and now attempt to enforce again?

Sir, I think I may as well now, as at any other time, speak to a certain matter of fact not wholly unrelated to the question under your consideration. We, who would persuade you to revert to the antient policy of this kingdom, labour under the effect of this short current phrase, which the court leaders have given out to all their corps, in order to take away the credit of those who would prevent you from that frantic war you are going to wage upon your Colonies. Their cant is this; "All the disturbances in America have been created by the repeal of the Stamp Act." I suppress for a moment my indignation at the falsehood, baseness, and absurdity of this most audacious assertion. Instead of remarking on the motives and character of those who have issued it for circulation, I will clearly lay before you the state of America, antecedently to that repeal; after the repeal; and since the renewal of the schemes of American taxation.

It is said, that the disturbances, if there were any, before the repeal, were slight; and without difficulty or inconvenience might have

been suppressed. For an answer to this assertion I will send you to the great author and patron of the Stamp Act, who certainly meaning well to the authority of this Country, and fully apprized of the state of that, made, before a repeal was so much as agitated in this House, the motion which is on your Journals; and which, to save the Clerk the trouble of turning to it, I will now read to you. It was for an amendment to the address of the 17th of December 1765:

"To express our just resentment and indignation at the outrageous tumults and insurrections which have been excited and carried on in North America; and at the resistance given by open and rebellious force to the execution of the laws in that part of his Majesty's dominions. And to assure his Majesty, that his faithful Commons, animated with the warmest duty and attachment to his royal person and government, will firmly and effectually support his Majesty in all such measures as shall be necessary for preserving and supporting the legal dependance of the Colonies on the Mother Country, &c. &c."

Here was certainly a disturbance preceding the repeal; such a disturbance as Mr. Grenville thought necessary to qualify by the name of an *insurrection*, and the epithet of a *rebellious* force: terms much stronger than any, by which, those who then supported his motion, have ever since thought proper to distinguish

the subsequent disturbances in America. They were disturbances which seemed to him and his friends to justify as strong a promise of support, as hath been usual to give in the beginning of a war with the most powerful and declared enemies. When the accounts of the American Governors came before the House, they appeared stronger even than the warmth of public imagination had painted them; so much stronger, that the papers on your table bear me out in saying, that all the late disturbances, which have been at one time the Minister's motives for the repeal of five out of six of the new court taxes, and are now his pretences for refusing to repeal that sixth, did not amount—why do I compare them? no, not to a tenth part of the tumults and violence which prevailed long before the repeal of that act.

Ministry cannot refuse the authority of the commander in chief General Gage, who, in his Letter of the 4th of November, from New York, thus represents the state of things:

" *It is difficult to say, from the highest to the lowest, who has not been accessory to this insurrection, either by writing or mutual agreements to oppose the act, by what they are pleased to term all legal opposition to it.*
 " *Nothing effectual has been proposed, either to prevent or quell the tumult. The rest of the Provinces are in the same situation as to a positive refusal to take the stamps; and threatening those who shall take them, to*

*“plunder and murder them; and this affair
“stands in all the Provinces, that unless the
“act, from its own nature, enforce itself, nothing
“but a very considerable military force can do it.”*

It is remarkable, Sir, that the persons who formerly trumpeted forth the most loudly, the violent resolutions of assemblies; the universal insurrections; the seizing and burning the stamped papers; the forcing stamp officers to resign their commissions under the gallows; the rifling and pulling down of the houses of magistrates; and the expulsion from their country of all who dared to write or speak a single word in defence of the powers of parliament; these very trumpeters are now the men that represent the whole as a mere trifle; and choose to date all the disturbances from the repeal of the stamp act, which put an end to them. Hear your officers abroad, and let them refute this shameless falsehood, who, in all their correspondence, state the disturbances as owing to their true causes, the discontent of the people, from the taxes. You have this evidence in your own archives—and it will give you compleat satisfaction; if you are not so far lost to all parliamentary ideas of information, as rather to credit the lye of the day, than the records of your own House.

Sir, this vermin of court reporters, when they are forced into day upon one point, are sure to burrow in another; but they shall have no refuge: I will make them bolt out of all their

their holes. Conscious that they must be baffled, when they attribute a precedent disturbance to a subsequent measure, they take other ground, almost as absurd, but very common in modern practice, and very wicked; which is, to attribute the ill effect of ill-judged conduct to the arguments which had been used to dissuade us from it. They say, that the opposition made in parliament to the stamp act at the time of its passing, encouraged the Americans to their resistance. This has even formally appeared in print in a regular volume, from an advocate of that faction, a Dr. Tucker. This Dr. Tucker is already a dean, and his earnest labours in this vineyard will, I suppose, raise him to a bishoprick. But this assertion too, just like the rest, is false. In all the papers which have loaded your table; in all the vast crowd of verbal witnesses that appeared at your bar, witnesses which were indiscriminately produced from both sides of the House; not the least hint of such a cause of disturbance has ever appeared. As to the fact of a strenuous opposition to the stamp act, I sat as a stranger in your gallery when the act was under consideration. Far from any thing inflammatory, I never heard a more languid debate in this House. No more than two or three gentlemen, as I remember, spoke against the act, and that with great reserve and remarkable temper. There was but one division in the whole progress of the bill; and the minority did not reach to more than 39 or 40. In the House of Lords I do not recollect that there

was any debate or division at all. I am sure there was no protest. In fact, the affair passed with so very, very little noise, that in town they scarcely knew the nature of what you were doing. The opposition to the bill in England never could have done this mischief, because there scarcely ever was less of opposition to a bill of consequence.

Sir, the agents and distributors of falsehoods have, with their usual industry, circulated another lye of the same nature with the former. It is this, that the disturbances arose from the account which had been received in America of the change in the ministry. No longer awed, it seems, with the spirit of the former rulers, they thought themselves a match for what our calumniators choose to qualify by the name of so feeble a ministry as succeeded. Feeble in one sense these men certainly may be called; for with all their efforts, and they have made many, they have not been able to resist the distempered vigour, and insane alacrity with which you are rushing to your ruin. But it does so happen, that the falsity of this circulation is (like the rest) demonstrated by indisputable dates and records.

So little was the change known in America, that the letters of your governors, giving an account of these disturbances long after they had arrived at their highest pitch, were all directed to the *Old Ministry*, and particularly to the *Earl of Halifax*, the secretary of state corresponding

responding with the Colonies, without once in the smallest degree intimating the slightest suspicion of any ministerial revolution whatsoever. The ministry was not changed in England until the tenth day of July 1765. On the 14th of the preceding June, Governor Fauquier from Virginia writes thus; and writes thus to the Earl of Halifax: “*Govern-
ment is set at defiance, not having strength
enough in her hands to enforce obedience to the
laws of the community. The private distress,
which every man feels, encreases the general
dissatisfaction at the duties laid by the Stamp
Act, which breaks out, and shews itself upon
every trifling occasion.*” The general dissatisfaction had produced some time before, that is, on the 29th of May, several strong public resolves against the Stamp Act; and those resolves are assigned by Governor Bernard, as the cause of the *insurrections* in Massachuset’s Bay, in his letter of the 15th of August, still addressed to the Earl of Halifax; and he continued to address such accounts to that Minister quite to the 7th of September of the same year. Similar accounts, and of as late a date, were sent from other governors, and all directed to Lord Halifax. Not one of these letters indicates the slightest idea of a change, either known, or even apprehended.

Thus are blown away the insect race of courtly falsehoods! thus perish the miserable inventions of the wretched runners for a wretched cause, which they have fly-blown into

into every weak and rotten part of the country, in vain hopes that when their maggots had taken wing, their importunate buzzing might sound something like the public voice!

Sir, I have troubled you sufficiently with the state of America before the repeal. Now I turn to the Hon. Gentleman who so stoutly challenges us, to tell, whether, after the repeal, the Provinces were quiet? This is coming home to the point. Here I meet him directly; and answer most readily, *They were quiet.* And I, in my turn, challenge him to prove when, and where, and by whom, and in what numbers, and with what violence, the other laws of trade, as gentlemen assert, were violated in consequence of your concession? or that even your other revenue laws were attacked? But I quit the vantage ground on which I stand, and where I might leave the burthen of the proof upon him: I walk down upon the open plain, and undertake to shew, that they were not only quiet, but shewed many unequivocal marks of acknowledgement and gratitude. And to give him every advantage, I select the obnoxious Colony of Massachuset's Bay, which at this time (but without hearing her) is so heavily a culprit before parliament—I will select their proceedings even under circumstances of no small irritation. For, a little imprudently I must say, Governor Bernard mixed in the administration of the lenitive of the repeal no small acrimony arising from matters of a separate

rate nature. Yet see, Sir, the effect of that lenitive, though mixed with these bitter ingredients ; and how this rugged people can express themselves on a measure of concession.

“ *If it is not in our power*” (say they in their address to Gov. Bernard) “ *in so full a manner as will be expected, to shew our respectful gratitude to the Mother Country, or to make a dutiful and affectionate return to the indulgence of the King and Parliament, it shall be no fault of ours; for this we intend, and we hope we shall be able fully to effect.*”

Would to God that this temper had been cultivated, managed, and set in action ! other effects than those which we have since felt would have resulted from it. On the requisition for compensation to those who had suffered from the violence of the populace, in the same address they say, “ *The recommendation enjoined by Mr. Secretary Conway’s Letter, and in consequence thereof made to us, we will embrace the first convenient opportunity to consider and act upon.*” They did consider ; they did act upon it. They obeyed the requisition. I know the mode has been chicaned upon ; but it was substantially obeyed ; and much better obeyed, than I fear the parliamentary requisition of this session will be, though enforced by all your rigour, and backed with all your power. In a word, the damages of popular fury were compensated by legislative gravity. Almost every other part of America in various

ways demonstrated their gratitude. I am bold to say, that so sudden a calm recovered after so violent a storm is without parallel in history. To say that no other disturbance should happen from any other cause, is folly. But as far as appearances went, by the judicious sacrifice of one law, you procured an acquiescence in all that remained. After this experience, nobody shall persuade me, when an whole people are concerned, that acts of lenity are not means of conciliation.

I hope the Hon. Gentleman has received a fair and full answer to his question.

I have done with the third period of your policy; that of your repeal; and the return of your ancient system, and your ancient tranquillity and concord. Sir, this period was not as long as it was happy. Another scene was opened, and other actors appeared on the stage. The state, in the condition I have described it, was delivered into the hands of Lord Chatham —a great and celebrated name; a name that keeps the name of this country respectable in every other on the globe. It may be truly called,

*Clarum et venerabile nomen
Gentibus, et multum nostræ quod proderat urbi.*

Sir, the venerable age of this great man, his merited rank, his superior eloquence, his splendid qualities, his eminent services, the vast space he fills in the eye of mankind; and, more than all the rest, his fall from power, which

which, like death, canonizes and sanctifies a great character, will not suffer me to censure any part of his conduct. I am afraid to flatter him; I am sure I am not disposed to blame him. Let those who have betrayed him by their adulation, insult him with their malevolence. But what I do not presume to censure, I may have leave to lament. For a wise man, he seemed to me at that time, to be governed too much by general maxims. I speak with the freedom of history, and I hope without offence. One or two of these maxims, flowing from an opinion not the most indulgent to our unhappy species, and surely a little too general, led him into measures that were greatly mischievous to himself; and for that reason, among others, perhaps fatal to his country; measures, the effects of which, I am afraid, are for ever incurable. He made an administration, so checkered and speckled; he put together a piece of joinery, so crossly indented and whimsically dovetailed; a cabinet so variously inlaid; such a piece of diversified Mosaic; such a tessellated pavement without cement; here a bit of black stone, and there a bit of white; patriots and courtiers, king's friends and republicans; whigs and tories; treacherous friends and open enemies: that it was indeed a very curious show; but utterly unsafe to touch, and unsure to stand on. The colleagues whom he had afforted at the same boards, stared at each other, and were obliged to ask, "Sir, your name?—Sir, you have the advantage of me—Mr. Such a one—I beg a

" thousand

“ thousand pardons—” I venture to say, it did so happen, that persons had a single office divided between them, who had never spoke to each other in their lives; until they found themselves, they knew not how, pigging together, heads and points, in the same truckle-bed *.

Sir, in consequence of this arrangement, having put so much the larger part of his enemies and opposers into power, the confusion was such, that his own principles could not possibly have any effect or influence in the conduct of affairs. If ever he fell into a fit of the gout, or if any other cause withdrew him from publick cares, principles directly the contrary were sure to predominate. When he had executed his plan, he had not an inch of ground to stand upon. When he had accomplished his scheme of administration, he was no longer a minister.

When his face was hid but for a moment, his whole system was on a wide sea, without chart or compass. The gentlemen, his particular friends, who, with the names of various departments of ministry, were admitted, to seem, as if they acted a part under him, with a modesty that becomes all men, and with a confidence in him, which was justified even in its extravagance by his superior abilities, had never, in any instance, presumed upon any

* Supposed to allude to the Right Hon. Lord North, and George Cooke, Esq; who were made joint paymasters in the Summer of 1766, on the removal of the Rockingham administration.

opinion of their own. Deprived of his guiding influence, they were whirled about, the sport of every gust, and easily driven into any port; and as those who joined with them in manning the vessel were the most directly opposite to his opinions, measures, and character, and far the most artful and most powerful of the set, they easily prevailed, so as to seize upon the vacant, unoccupied, and derelict minds of his friends; and instantly they turned the vessel wholly out of the course of his policy. As if it were to insult as well as to betray him, even long before the close of the first session of his administration, when every thing was publickly transacted, and with great parade, in his name, they made an act, declaring it highly just and expedient to raise a revenue in America. For even then, Sir, even before this splendid orb was entirely set, and while the Western horizon was in a blaze with his descending glory, on the opposite quarter of the heavens arose another luminary, and, for his hour, became lord of the ascendant.

This light too is passed and set for ever. You understand, to be sure, that I speak of Charles Townshend, officially the re-producer of this fatal scheme; whom I cannot even now remember without some degree of sensibility. In truth, Sir, he was the delight and ornament of this house, and the charm of every private society which he honoured with his presence. Perhaps there never arose in this country, nor in any country, a man of a more pointed

pointed and finished wit; and (where his passions were not concerned) of a more refined, exquisite, and penetrating a judgement. If he had not so great a stock, as some have had who flourished formerly, of knowledge long treasured up, he knew better by far, than any man I ever was acquainted with, how to bring together within a short time, all that was necessary to establish, to illustrate, and to decorate that side of the question he supported. He stated his matter skilfully and powerfully. He particularly excelled in a most luminous explanation, and display of his subject. His style of argument was neither trite and vulgar, nor subtle and abstruse. He hit the house just between wind and water.— And not being troubled with too anxious a zeal for any matter in question, he was never more tedious, or more earnest, than the pre-conceived opinions, and present temper of his hearers required; to whom he was always in perfect unison. He conformed exactly to the temper of the house; and he seemed to guide, because he was always sure to follow it.

I beg pardon, Sir, if when I speak of this and of other great men, I appear to digress in saying something of their characters. In this eventful history of the revolutions of America, the characters of such men are of much importance. Great men are the guide-posts and land-marks in the state. The credit of such men at court, or in the nation, is the sole cause of all the publick measures. It would be an invidious thing, (most foreign

foreign I trust to what you think my disposition) to remark the errors into which the authority of great names has brought the nation, without doing justice at the same time to the great qualities, whence that authority arose. The subject is instructive to those who wish to form themselves on whatever of excellence has gone before them. There are many young members in the house (such of late has been the rapid succession of public men) who never saw that prodigy Charles Townshend; nor of course know what a ferment he was able to excite in every thing by the violent ebullition of his mixed virtues and failings. For failings he had undoubtedly—many of us remember them; we are this day considering the effect of them. But he had no failings which were not owing to a noble cause; to an ardent, generous, perhaps an immoderate passion for Fame; a passion which is the instinct of all great souls. He worshiped that goddess wheresoever she appeared; but he paid his particular devotions to her in her favourite habitation, in her chosen temple, the House of Commons. Besides the characters of the individuals that compose our body, it is impossible, Mr. Speaker, not to observe, that this house has a collective character of its own. That character too, however imperfect, is not unamiable. Like all great public collections of men, you possess a marked love of virtue, and an abhorrence of vice. But among vices, there is none, which the house abhors in the same degree with *obstinacy*. Obstinacy, Sir, is certainly a great vice; and in the changeful state of political affairs it is frequently the cause

of great mischief. It happens, however, very unfortunately, that almost the whole line of the great and masculine virtues, constancy, gravity, magnanimity, fortitude, fidelity, and firmness, are closely allied to this disagreeable quality, of which you have so just an abhorrence; and in their excess, all these virtues very easily fall into it. He, who paid such a punctilious attention to all your feelings, certainly took care not to shock them by that vice which is the most disgusting to you.

That fear of displeasing those who ought most to be pleased, betrayed him sometimes into the other extreme. He had voted, and in the year 1765, had been an advocate for the Stamp Act. Things and the disposition of mens minds were changed. In short, the Stamp Act began to be no favourite in this house. He therefore attended at the private meeting, in which the resolutions moved by a Right Hon. Gentleman were settled; resolutions leading to the repeal. The next day he voted for that repeal; and he would have spoken for it too, if an illness, (not as was then given out a political) but to my knowledge, a very real illness, had not prevented it.

The very next session, as the fashion of this world pasieth away, the repeal began to be in as bad an odour in this house as the Stamp Act had been in the session before. To conform to the temper which began to prevail, and to prevail mostly amongst those most in power, he declared, very early in the Winter, that a revenue must be had out of America. Instantly he was tied down to

to his engagements by some, who had no objection to such experiments, when made at the cost of persons for whom they had no particular regard. The whole body of courtiers drove him onward. They always talked as if the king stood in a sort of humiliated state, until something of the kind should be done.

Here this extraordinary man, then Chancellor of the Exchequer, found himself in great straits. To please universally was the object of his life; but to tax and to please, no more than to love and to be wise, is not given to men. However he attempted it. To render the tax palatable to the partizans of American revenue, he made a preamble stating the necessity of such a revenue. To close with the American distinction, this revenue was *external* or port-duty; but again, to soften it to the other party, it was a duty of *supply*. To gratify the *colonists*, it was laid on British manufactures; to satisfy the *merchants of Britain*, the duty was trivial, and (except that on tea, which touched only the devoted East India Company) on none of the grand objects of commerce. To counterwork the American contraband, the duty on tea was reduced from a shilling to three-pence. But to secure the favour of those who would tax America, the scene of collection was changed, and, with the rest, it was levied in the Colonies. What need I say more? This fine-spun scheme had the usual fate of all exquisite policy. But the original plan of the duties, and the mode of executing that plan, both arose singly and solely from a love of our applause. He was truly the

child of the house. He never thought, did, or said any thing but with a view to you. He every day adapted himself to your disposition ; and adjusted himself before it, as at a looking-glass.

He had observed (indeed it could not escape him) that several persons, infinitely his inferiors in all respects, had formerly rendered themselves considerable in this house by one method alone. They were a race of men (I hope in God the species is extinct) who, when they rose in their place, no man living could divine, from any known adherence to parties, to opinions, or to principles ; from any order or system in their politics ; or from any sequel or connection in their ideas, what part they were going to take in any debate. It is astonishing how much this uncertainty, especially at critical times, called the attention of all parties on such men. All eyes were fixed on them, all ears open to hear them ; each party gaped, and looked alternately for their vote, almost to the end of their speeches. While the House hung in this uncertainty, now the *Hear-hims* rose from this side—now they re-bellowed from the other ; and that party to whom they fell at length from their tremulous and dancing balance, always received them in a tempest of applause. The fortune of such men was a temptation too great to be resisted by one, to whom, a single whiff of incense withheld gave much greater pain, than he received delight, in the clouds of it, which daily rose about him from the prodigal superstition of innumerable admirers. He was a candidate for contradictory honours ;

honours; and his great aim was to make those agree in admiration of him who never agreed in any thing else.

Hence arose this unfortunate act, the subject of this day's debate; from a disposition which, after making an American revenue to please one, repealed it to please others, and again revived it in hopes of pleasing a third, and of catching something in the ideas of all.

This revenue act of 1767, formed the fourth period of American policy. How we have fared since then—what woeful variety of schemes have been adopted; what enforcing, and what repealing; what bullying, and what submitting; what doing, and undoing; what straining, and what relaxing; what assemblies dissolved for not obeying, and called again without obedience; what troops sent out to quell resistance, and on meeting that resistance, recalled; what shiftings, and changes, and jumblings of all kinds of men at home, which left no possibility of order, consistency, vigour, or even so much as a decent unity of colour in any one public measure.—It is a tedious, irksome task. My duty may call me to open it out some other time; *on a former occasion I tried your temper on a part of it; for the present I shall forbear.

After all these changes and agitations, your immediate situation upon the question on your paper is at length brought to this. You have an act of parliament, stating, that “it is expedient to raise a

* Resolutions moved in May 1770.

“ revenue in America.” By a partial repeal you annihilated the greatest part of that revenue, which this preamble declares to be so expedient. You have substituted no other in the place of it. A secretary of state has disclaimed, in the king’s name, all thoughts of such a substitution in future. The principle of this disclaimer goes to what has been left, as well as what has been repealed. The tax which lingers after its companions, (under a preamble declaring an American revenue expedient, and for the sole purpose of supporting the theory of that preamble) militates with the assurance authentically conveyed to the Colonies ; and is an exhaustless source of jealousy and animosity. On this state, which I take to be a fair one ; not being able to discern any grounds of honour, advantage, peace, or power, for adhering, either to the act or to the preamble, I shall vote for the question which leads to the repeal of both.

If you do not fall in with this motion, then secure something to fight for, consistent in theory and valuable in practice. If you must employ your strength, employ it to uphold you in some honourable right, or some profitable wrong. If you are apprehensive that the concession recommended to you, though proper, should be a means of drawing on you further but unreasonable claims,—why then employ your force in supporting that reasonable concession against those unreasonable demands. You will employ it with more grace; with better effect; and with great probable concurrence of all the quiet and rational people in the provinces; who are now united with,

with, and hurried away by, the violent ; having indeed different dispositions, but a common interest. If you apprehend that on a concession you shall be pushed by metaphysical process to the extreme lines, and argued out of your whole authority, my advice is this ; when you have recovered your old, your strong, your tenable position, then face about—stop short—do nothing more—reason not at all—oppose the ancient policy and practice of the empire, as a rampart against the speculations of innovators on both sides of the question ; and you will stand on great, manly, and sure ground. On this solid basis fix your machines, and they will draw worlds towards you.

Your ministers, in their own and his Majesty's name, have already adopted the American distinction of internal and external duties. It is a distinction, whatever merit it may have, that was originally moved by the Americans themselves ; and I think they will acquiesce in it, if they are not pushed with too much logic and too little sense, in all the consequences. That is, if external taxation be understood, as they and you understand it when you please, to be not a distinction of geography, but of policy ; that it is a power for regulating trade, and not for supporting establishments. The distinction, which is as nothing with regard to right, is of most weighty consideration in practice. Recover your old ground, and your old tranquillity—try it—I am persuaded the Americans will compromise with you. When confidence is once restored, the odious and suspicious *summum jus* will perish of

course. The spirit of practicability, of moderation, and mutual convenience, will never call in geometrical exactness as the arbitrator of an amicable settlement. Consult and follow your experience. Let not the long story with which I have exercised your patience, prove fruitless to your interests.

For my part, I should choose (if I could have my wish) that the proposition of the * Hon. Gentleman for the repeal, could go to America without the attendance of the penal bills. Alone I could almost answer for its success. I cannot be certain of its reception in the bad company it may keep. In such heterogeneous assortments, the most innocent person will lose the effect of his innocence. Though you should send out this angel of peace, yet you are sending out a destroying angel too; and what would be the effect of the conflict of these two adverse spirits, or which would predominate in the end, is what I dare not say: whether the lenient measures would cause American passion to subside, or the severe would increase its fury—All this is in the hand of Providence; yet now, even now, I should confide in the prevailing virtue, and efficacious operation of lenity, though working in darkness, and in chaos, in the midst of all this unnatural and turbid combination. I should hope it might produce order and beauty in the end.

Let us, Sir, embrace some system or other before we end this session. Do you mean to tax America, and to draw a productive revenue from

* Mr. Fuller.

thence?

thence? If you do, speak out: name, fix, ascertain this revenue; settle its quantity; define its objects; provide for its collection; and then fight when you have something to fight for. If you murder—rob! If you kill, take possession; and do not appear in the character of madmen, as well as assassins, violent, vindictive, bloody, and tyrannical, without an object. But may better counsels guide you!

Again, and again, revert to your old principles — seek peace and ensue it — leave America, if she has taxable matter in her, to tax herself. I am not here going into the distinctions of rights, nor attempting to mark their boundaries. I do not enter into these metaphysical distinctions; I hate the very sound of them. Leave the Americans as they antiently stood, and these distinctions, born of our unhappy contest, will die along with it. They, and we, and their and our ancestors, have been happy under that system. Let the memory of all actions, in contradiction to that good old mode, on both sides, be extinguished for ever. Be content to bind America by laws of trade; you have always done it. Let this be your reason for binding their trade. Do not burthen them by taxes; you were not used to do so from the beginning. Let this be your reason for not taxing. These are the arguments of states and kingdoms. Leave the rest to the schools; for there only they may be discussed with safety. But if, intemperately, unwisely, fatally, you sophisticate and poison the very source of government, by urging subtle deductions, and consequences odious to those

those you govern, from the unlimited and illimitable nature of supreme sovereignty, you will teach them by these means to call that sovereignty itself in question. When you drive him hard, the boar will surely turn upon the hunters. If that sovereignty and their freedom cannot be reconciled, which will they take? They will cast your sovereignty in your face. No body will be argued into slavery. Sir, let the gentlemen on the other side call forth all their ability; let the best of them get up, and tell me, what one character of liberty the Americans have, and what one brand of slavery they are free from, if they are bound in their property and industry, by all the restraints you can imagine on commerce, and at the same time are made pack-horses of every tax you choose to impose, without the least share in granting them? When they bear the burthens of unlimited monopoly, will you bring them to bear the burthens of unlimited revenue too? The Englishman in America will feel that this slavery—that it is *legal* slavery, will be no compensation, either to his feelings or his understanding.

A Noble Lord*, who spoke some time ago, is full of the fire of ingenuous youth; and when he has modeled the ideas of a lively imagination by further experience, he will be an ornament to his country in either house. He has said, that the Americans are our children; and how can they revolt against their parent? He says, that if they are not free in their present state, England is not free; because Manchester, and other con-

* Lord Carmarthen.

siderable places, are not represented. So then, because some towns in England are not represented, America is to have no representative at all. They are “our children ;” but when children ask for bread, we are not to give a stone. Is it because the natural resistance of things, and the various mutations of time, hinders our government, or any scheme of government, from being any more than a sort of approximation to the right, is it therefore that the Colonies are to recede from it infinitely ? When this child of ours wishes to assimilate to its parent, and to reflect with a true filial resemblance the beauteous countenance of British liberty ; are we to turn to them the shameful parts of our constitution ? are we to give them our weakness for their strength ; our opprobrium for their glory ; and the slough of slavery, which we are not able to work off, to serve them for their freedom ?

If this be the case, ask yourselves this question, will they be content in such a state of slavery ? If not, look to the consequences. Reflect how you are to govern a people, who think they ought to be free, and think they are not. Your scheme yields no revenue ; it yields nothing but discontent, disorder, disobedience ; and such is the state of America, that after wading up to your eyes in blood you could only end just where you begun ; that is, to tax where no revenue is to be found, to—my voice fails me ; my inclination indeed carries me no further—all is confusion beyond it.

Well,

Well, Sir, I have recovered a little, and before I sit down I must say something to another point with which gentlemen urge us. What is to become of the declaratory act asserting the entireness of British legislative authority, if we abandon the practice of taxation?

For my part I look upon the rights stated in that act, exactly in the manner in which I viewed them on its very first proposition, and which I have often taken the liberty, with great humility, to lay before you. I look, I say, on the imperial rights of Great Britain, and the privileges which the Colonists ought to enjoy under these rights, to be just the most reconcileable things in the world. The Parliament of Great Britain sits at the head of her extensive empire in two capacities: one as the local legislature of this island, providing for all things at home, immediately, and by no other instrument than the executive power.—The other, and I think her nobler capacity, is what I call her *imperial character*; in which, as from the throne of heaven, she superintends all the several inferior legislatures, and guides, and controls them all without annihilating any. As all these provincial legislatures are only co-ordinate to each other, they ought all to be subordinate to her; else they can neither preserve mutual peace, nor hope for mutual justice, nor effectually afford mutual assistance. It is necessary to coerce the negligent, to restrain the violent, and to aid the weak and deficient, by the over-ruling plenitude of her power. She is never to intrude into the place of the others, whilst

whilst they are equal to the common ends of their institution. But in order to enable parliament to answer all these ends of provident and beneficent superintendance, her powers must be boundless. The gentlemen who think the powers of parliament limited, may please themselves to talk of requisitions. But suppose the requisitions are not obeyed? What! Shall there be no reserved power in the empire, to supply a deficiency which may weaken, divide, and dissipate the whole? We are engaged in war—the Secretary of State calls upon the Colonies to contribute—some would do it, I think most would chearfully furnish whatever is demanded—one or two, suppose, hang back, and, easing themselves, let the stress of the draft lie on the others—surely it is proper, that some authority might legally say—“ Tax yourselves for the “ common supply, or parliament will do it for “ you.” This backwardness was, as I am told, actually the case of Pennsylvania for some short time towards the beginning of the last war, owing to some internal dissentions in the Colony. But, whether the fact were so, or otherwise, the case is equally to be provided for by a competent sovereign power. But then this ought to be no ordinary power; nor ever used in the first instance. This is what I meant, when I have said at various times, that I consider the power of taxing in parliament as an instrument of empire, and not as a means of supply.

Such, Sir, is my idea of the constitution of the British Empire, as distinguished from the constitution of Britain; and on these grounds I think

subordination and liberty may be sufficiently reconciled through the whole; whether to serve a refining speculist, or a factious demagogue, I know not; but enough surely for the ease and happiness of man.

Sir, whilst we held this happy course, we drew more from the Colonies than all the impotent violence of despotism ever could extort from them. We did this abundantly in the last war. It has never been once denied — and what reason have we to imagine that the Colonies would not have proceeded in supplying government as liberally, if you had not stepped in and hindered them from contributing, by interrupting the channel in which their liberality flowed with so strong a course; by attempting to take, instead of being satisfied to receive. Sir William Temple says, that Holland has loaded itself with ten times the impositions which it revolted from Spain, rather than submit to. He says true. Tyranny is a poor provider. It knows neither how to accumulate, nor how to extract.

I charge therefore to this new and unfortunate system the loss not only of peace, of union, and of commerce, but even of revenue, which its friends are contending for.—It is morally certain, that we have lost at least a million of free grants since the peace. I think we have lost a great deal more; and that those who look for a revenue from the Provinces, never could have pursued, even in that light, a course more directly repugnant to their purposes.

Now,

Now, Sir, I trust I have shewn, first on that narrow ground which the Hon. Gentleman measured, that you are like to lose nothing by complying with the motion, except what you have lost already. I have shewn afterwards, that in time of peace you flourished in commerce, and when war required it, had sufficient aid from the Colonies, while you pursued your antient policy; that you threw every thing into confusion when you made the stamp act; and that you restored every thing to peace and order when you repealed it. I have shewn that the revival of the system of taxation has produced the very worst effects; and that the partial repeal has produced, not partial good, but universal evil. Let these considerations, founded on facts, not one of which can be denied, bring us back to your reason by the road of your experience.

I cannot, as I have said, answer for mixed measures; but surely this mixture of lenity would give the whole a better chance of success. When you once regain confidence, the way will be clear before you. Then you may enforce the act of navigation when it ought to be enforced. You will yourselves open it where it ought still further to be opened. Proceed in what you do, whatever you do, from policy, and not from rancour. Let us act like men, let us act like statesmen. Let us hold some sort of consistent conduct—It is agreed that a revenue is not to be had in America. If we lose the profit, let us get rid of the odium.

On

On this business of America I confess I am serious, even to sadness. I have had but one opinion concerning it since I sat, and before I sat, in Parliament. The noble Lord * will, as usual, probably, attribute the part taken by me and my friends in this business, to a desire of getting his places. Let him enjoy this happy and original idea. If I deprived him of it, I could take away most of his wit, and all his argument. But I had rather bear the brunt of all his wit, and indeed blows much heavier, than stand answerable to God for embracing a system that tends to the destruction of some of the very best and fairest of his works. But I know the map of England, as well as the noble Lord *, or as any other person; and I know that the way I take is not the road to preferment. My excellent and honourable friend under me on the floor †, has trod that road with great toil for upwards of twenty years together. He is not yet arrived at the noble Lord's destination. However, the tracks of my worthy friend are those I have ever wished to follow; because I know they lead to honour. Long may we tread the same road together; whoever may accompany us, or whoever may laugh at us on our journey! I honestly and solemnly declare, I have in all seasons adhered to the system of 1766, for no other reason, than that I think it laid deep in your truest interests—and that, by limiting the exercise, it fixes on the firmest foundations, a real, consistent, well-grounded authority in parliament. Until you come back to that system, there will be no peace for England.

* Lord North.

† Mr. Dowdeswell.



